Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

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PAGE 01 STATE 069859
ORIGIN OPIC-06

INFO OCT-01 AF-10 ISO-00 EB-08 AID-05 L-03 /033 R

DRAFTED BY OPIC/GC :RSTERN
APPROVED BY EB/IFD/ OIA:MPBOERNER
EB/IFD/OIA:DVGRANT
AF/W:M EATON
----------043980 181537Z /20
R 180237Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY NDJAMENA

UNCLAS STATE 069859

FROM OPIC

E.O. 11652: N/A

TAGS: EINV

SUBJECT: AGRICOLA EXPROPRIATION CLAIM

1. ON MARCH 14, OPIC REPRESENTATIVES MET WITH CHADIAN AMBASSADOR TO DISCUSS AGRICOLA CLAIM. THE AMBASSADOR DREW FROM A REPORT BY THE MINISTER OF THE ECONOMY TO DEFEND CERTAIN GOC ACTIONS AND ASSERT SEVERAL ALLEGATIONS OF FAILURE OF PERFORMANCE AND MISCONDUCT ON THE PART OF AGRICOLA. HE CONCLUDED BY SAYING THAT THE GOC DID NOT BREACH ITS AGREEMENT WITH AGRICOLA; ON THE CONTRARY, IT IS AGRICOLA WHICH IS IN DEFAULT. HOWEVER, WHEN ASKED DIRECTLY BY AN OPIC REPRESENTATIVE IF IT IS THE POSITION OF THE GOC THAT IT OWES NOTHING TO AGRICOLA FOR ANY OF THE ITEMS OF COMPENSATION REQUESTED, THE AMBASSADOR REPLIED THAT HE WOULD PREFER NOT TO ANSWER THAT QUESTION UNTIL AGRICOLA HAS RESPONDED TO THE GOC'S ALLEGATIONS. THUS, THE POSSIBILITY OF A NEGOTIATED SETTLEMENT STILL EXISTS,
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PAGE 02 STATE 069859

BUT IT IS DIFFICULT TO ASSESS THE PROBABILITY.

2. THE AMBASSADOR AGREED TO PREPARE A LETTER TO AGRICOLA SETTING FORTH THE ALLEGATIONS RAISED AND ASKED OPIC TO FORWARD IT. OPIC BELIEVES THAT THE GOC IS AT LEAST PARTLY MOTIVATED BY A DESIRE TO EXONERATE ITSELF IN THE EYES OF

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

THE USG WHILE SETTLING ITS DIFFERENCES WITH AGRICOLA. IT IS NOT CLEAR AT THIS POINT, HOWEVER, WHETHER THE GOC WILL AGREE TO SOME COMPENSATION OR STEADFASTLY MAINTAIN THAT IT HAS NO LIABILITY. OPIC HOPES THAT THE GOC WILL FOLLOW THROUGH SOON ON ITS AGREEMENT TO PREPARE A LETTER TO AGRICOLA.

3. OPIC HAS REFRAINED FROM RENDERING A DETERMINATION WITH RESPECT TO THE VALIDITY OF AGRICOLA'S INSURANCE CLAIM, PARTLY BECAUSE OF SOME FACTUAL AREAS WHICH ARE STILL UNCLEAR. IF THE NEXT EXCHANGE OF CORRESPONDENCE DOES NOT PRODUCE AT LEAST A SOLID OFFER BY THE GOC TO BEGIN NEGOTIATIONS, OR AN UNLIKELY WITHDRAWAL OF THE CLAIM BY AGRICOLA, OPIC WILL HAVE NO CHOICE BUT TO MOVE QUICKLY TO A DETERMINATION.

4. OPIC REQUESTED FROM THE AMBASSADOR A COPY OF THE REPORT OF THE MINISTER OF ECONOMY OR, IF IT IS A CONFIDENTIAL DOCUMENT, A SUMMARY OF IT. THE AMBASSADOR APPEARED AGREEABLE TO GIVING THE DOCUMENT TO OPIC IN SOME FORM. THE EMBASSY MAY WISH TO REQUEST A COPY DIRECTLY FROM THE MINISTRY. VANCE

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Draft Date: 18 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE069859
Document Source: CORE
Document Unique ID: 00
Drafter: RSTERN
Enclosure: n/a
Executive Order: N/A
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Expiration:
Film Number: D780120-1023
Format: TEL
From: STATE
Handling Restrictions: n/a
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Legacy Key: link1978/newtext/t19780351/aaaabrcn.tel
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Litigation History:
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Message ID: b89d7cc4-c288-dd11-92da-001cc4696bcc
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Original Classification: UNCLASSIFIED
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Original Previous Classification: n/a
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Previous Classification: n/a
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Retention: 0
Review Action: RELEASED, APPROVED
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Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3282380
Secure: OPEN
Status: NATIVE
Subject: AGRICOLA EXPROPRIATION CLAIM
TAGS: EINV, CD, OPIC, AGRICOLA
To: NDJAMENA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/b89d7cc4-c288-dd11-92da-001cc4696bcc
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20 Mar 2014
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